

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

XOUCHI JONATHAN THAO,
Special Administrator for the Estate
Of KONGCHI JUSTIN THAO,

Plaintiff,

v.

GRADY COUNTY CRIMINAL JUSTICE
AUTHORITY, *et al.*

Defendants.

Case No. CIV-19-01175-JD

December 2023 **TRIAL DOCKET**

SECOND AMENDED SCHEDULING ORDER

Consistent with the Court's order granting the parties' Joint Motion for Extension of Deadlines by 60 Days [Doc. No. 73], the Court issues this Second Amended Scheduling Order to govern the remaining deadlines in this matter.

THE FOLLOWING DEADLINES ARE SET BY THE COURT

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| 1. Motions to join additional parties to be filed by <u>deadline has expired</u> . | Defendant to file a final list of witnesses (as described above) by <u>June 9, 2023</u> .* |
| 2. Motions to amend pleadings to be filed by <u>deadline has expired</u> . | 5. Plaintiff to file final exhibit list by <u>deadline has expired</u> .* Defendant to file objections to plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by <u>June 9, 2023</u> . |
| 3. Plaintiff to file final list of expert witness(es) in chief and serve expert reports by <u>deadline has expired</u> .* | Defendant to file final exhibit list by <u>June 9, 2023</u> .* Plaintiff to file objections to defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by <u>June 23, 2023</u> . |
| Defendant to file final list of expert witness(es) in chief and serve expert reports by <u>deadline has expired</u> .* | *The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. <u>Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any</u> |
| Plaintiff to serve any rebuttal expert reports by <u>May 26, 2023</u> . | |
| 4. Plaintiff to file a final list of witnesses , together with addresses and brief summary of expected testimony where a witness has not already been deposed, by <u>deadline has expired</u> .* | |

party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.

6. **Discovery** to be completed by July 14, 2023.
7. All **dispositive and Daubert** motions to be filed by July 14, 2023.
8. **Trial docket December 5, 2023.****

****The published trial docket will announce the trial setting on the trailing docket. Pretrial conferences will be held approximately two weeks in advance.**

9. **Designations of deposition testimony** to be used at trial to be filed by October 6, 2023. Objections and counter-designations to be filed by October 13, 2023. Objections to counter-designations to be filed by October 20, 2023.

10. **Motions *in limine*** to be filed by October 6, 2023.***

*****Motions *in limine* shall be consolidated into a single filing that is subject to the page limitation in LCvR7.1(e). The motion must include a certificate of conference reciting the efforts made to confer with opposing counsel regarding motions *in limine*. Parties are expected to include only disputed issues in their motion *in limine*. Parties must attach to the motion or otherwise submit to the Court the disputed evidence that is at issue.**

11. **Requested voir dire** to be filed by October 6, 2023.

12. **Trial briefs** (optional unless otherwise ordered) to be filed by October 6, 2023.

13. Requested **jury instructions** to be filed on or before October 6, 2023.****

****The parties must submit an agreed set of **Joint Jury Instructions** and, if applicable, separate jury instructions that are unique to each party. Plaintiff shall be responsible for circulating the first draft of Joint Jury Instructions at least ten (10) days before October 6, 2023, or by September 26, 2023.

The parties must submit their proposed Joint Jury Instructions and, if applicable, separate supplemental jury instructions and findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mailbox:

dishman-orders@okwd.uscourts.gov.

If the parties are using pattern jury instructions, they must redline any proposed deviations to the pattern instructions in the copy submitted to the Court's designated mailbox.

14. Proposed **findings of fact and conclusions of law** to be filed not later than October 6, 2023.****

15. Any **objection or response to the trial submissions** referenced in ¶¶ 10, 11, 12, 13, or 14 to be filed by October 20, 2023. Any response to motions *in limine* shall be consolidated and subject to the page limitation in LCvR7.1(e). No replies will be permitted, unless ordered by the Court.

16. The **Final Pretrial Report**, approved by all counsel, and in full compliance with LCvR16.1(c)(1) (See Appendix IV), shall be filed by plaintiff's counsel. A proposed order approving the report shall be submitted to the Court via the Court's designated mailbox: dishman-orders@okwd.uscourts.gov, by October 6, 2023.

The **Final Pretrial Report** shall include as an attachment and/or exhibit the following: (i) a list of "Joint Exhibits" to be used at trial by all parties, and (ii) separate exhibit lists for exhibits that are unique to each party ("Plaintiff's

- Additional Exhibit List” and
“Defendant’s Additional Exhibit List”).
17. This case is referred to ADR:
- ☐ Mediation, by agreement of the parties, exempt from LCvR16.3.
- ☐ Court-Ordered Mediation subject to
- LCvR16.3.
- ☐ Judicial Settlement Conference
- ☐ Other _____.
- If the Court orders mediation, the process shall be completed and the parties shall communicate by notice to the Court stating whether the case settled by _____.
18. **Federal Rules of Civil Procedure 1, 6(b), and 16(b)(4), and good cause/excusable neglect standards for extensions discussed.** Case Citations: *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380 (1993); *Tesone v. Empire Mktg. Strategies*, 942 F.3d 979 (10th Cir. 2019); *Gorsuch, Ltd., B.C. v. Wells Fargo Nat’l Bank Ass’n*, 771 F.3d 1230 (10th Cir. 2014); *United States v. Torres*, 372 F.3d 1159 (10th Cir. 2004).
19. For additional requirements, please see *Judge Dishman’s Chamber Procedures for Civil Cases and Civil Cases: Guidelines for Protective Orders on Confidentiality, Sealing Documents, and Redactions*, available on the Court’s website under Chambers Rules.
20. Other: please see original scheduling order and amended scheduling order [Doc. Nos. 51, 58] for discussions and requirements discussed with the Court at the prior status and scheduling conference.

BY ORDER OF THE COURT
CARMELITA REEDER SHINN, CLERK OF COURT

By: /s/ Nyssa Vasquez
Deputy Clerk

Copies to all parties